

# Notice of Allowability

Application No.

09/886,893

Examiner

Jenna-Leigh Befumo

Applicant(s)

CURRO ET AL.

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed October 4, 2004.
2. ☒ The allowed claim(s) is/are 1,4-6,8,11-21 and 23-26.
3. ☒ The drawings filed on 14 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Angie Stone on October 12, 2004.

The application has been amended as follows:

Please cancel claims 9, 10, and 22.

2. The following is an examiner's statement of reasons for allowance:
3. The Amendment submitted on October 4, 2005, has been entered. Claims 2, 3, and 7 have been cancelled. Claims 1, 5, and 8 have been amended. Therefore, the pending claims are 1, 4 – 6, 8, 11 – 21, and 23 – 26.
4. The amendment is sufficient to overcome the 35 USC 103 rejection based on Benson et al. (5,628,097) since Benson et al. only teaches having a meltblown fabric layer between the bonded spunbond layers and not a liquid.
5. Claims 9 and 10 have been cancelled since they are drawn to a composite layer where the substance in the middle layer is a liquid. Hence claims 9 and 10 which state the middle layer comprises powder does not further limit claim 1. Claim 22 is cancelled since the claim was not examined.

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6. The restriction requirement as to the encompassed species is hereby withdrawn and claims 16 and 21, directed to the species of a powdered substance is no longer withdrawn from consideration since these claims depend from an allowable generic claims 11 and 17.

7. The terminal disclaimer filed on October 4, 2004 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 09/886,740, US 09/886,828, US 09/886,830, and US 886,831 has been reviewed and is accepted. The terminal disclaimer has been recorded.

8. Claims 1, 4 – 6, 8, and 23 are allowable since the prior art fails to teach or fairly suggest a two-layer laminate which is bonded together at the periphery to form a void area in between the layers and at discrete bond sites, wherein the void area is filled with a fluid or liquid substance and upon stretching, the bond sites fracture forming apertures which allow the fluid or powdered substance to be delivered to outside of the laminate.

9. Claims 11 – 21 and 24 – 26 are allowed for the reasons of record.

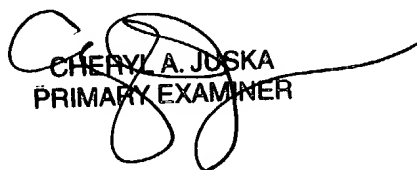
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenna-Leigh Befumo whose telephone number is (571) 272-1472. The examiner can normally be reached on Monday - Friday (8:00 - 5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jenna-Leigh Befumo  
October 13, 2004



CHERYL A. JUSKA  
PRIMARY EXAMINER